

Message Text

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46

ACTION EB-11

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E.O. 11652: N/A

TAGS: EAIR, TU

SUBJ: CIVAIR: PAN AN GROUND HANDLING: TURHOL CASE

REF: STATE 209407

1. IN LINE WITH OUR CONTINUING EFFORTS TO ASSIST PAN AM TO RESOLVE SUCCESSFULLY ITS GROUND HANDLING PROBLEM AND PENDING COURT CASE, ECONOMIC/COMMERCIAL COUNSELOR MADE INTENSIVE EFFORTS LAST WEEK TO HAVE FINANCE MINISTRY RESPOND TO PAN AMERICAN REQUEST. (WE HAD PREVIOUSLY BEEN ASSURED BY MIN OF COMMUNICATIONS THAT IT HAD SENT MINISTRY OF FINANCE LETTER WITH OPINION FAVORABLE TO PAN AM REGARDING REDUCED RATES FOR PARTIAL HANDLING SERVICES.) WHEN IT BECAME CLEAR THAT MINISTRY WAS NOT PREPARED RESPOND PROMPTLY, WE SUGGESTED PAN AM OBTAIN POSTPONEMENT OF COURT HEARING. PAN AM REPRESENTATIVE ANKARA AGREED AND LATER SAID THIS HAD BEEN DONE.

2. ON SEPTEMBER 23, E/COM COUNSELOR LEARNED FROM DIRECTOR GENERAL OF TREASURY THAT FINANCE MINISTRY HAD DECIDED IT SHOULD NOT REPLY TO PAN AM REQUEST AND FELT RESPONSIBILITY SHOULD BE TURNED BACK TO MINISTRY OF COMMUNICATIONS. E/COM COUNSELOR MADE APPOINTMENT TO CALL (ACCOMPANIED BY ANKARA PAN AN REPRESENTATIVE) ON DEPUTY UNDER SECRETARY MINISTRY OF COMMUNICATIONS IN EFFORT UNBLOCK THIS NEW IMPASSE. ACTING DIRECTOR GENERAL CIVIL AVIATION AND MINISTRY'S LEGAL ADVISER ALSO TOOK

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PART IN LENGTHY MEETING. MINISTRY OFFICIALS FINALLY CONCLUDED THAT

MINISTRY COULD NOT CORRESPOND WITH PAN AM ON SUBSTANTIVE ISSUE IN PENDING COURT CASE. THEY SUGGESTED THAT PROPER PROCEDURE IS FOR PAN AM LAWYER TO REQUEST COURT TO SEEK OPINION OF MINISTRY OF COMMUNICATIONS (WHICH, AS MENTIONED IN PARAGRAPH 1 ABOVE, WE HAVE BEEN ASSURED WILL BE FAVORABLE TO PAN AM'S POSITION). PAN AM REPRESENTATIVE INDICATED SUCH A PROCEDURE WAS ACCEPTABLE AND PROMISED KEEP EMBASSY INFORMED.

3. EMBASSY WILL KEEP IN CLOSE TOUCH WITH SITUATION AND WILL BE PREPARED ASSIST AGAIN IF ANY FURTHER DIFFICULTIES ARE ENCOUNTERED.

4. FYI. PAN AM OFFICIALS HAVE BEEN DISPOSED TO CONCENTRATE ON SEEKING RESOLUTION OF COURT CASE AS RELATIVELY MORE IMPORTANT ISSUE BEFORE SEEKING DEFINITIVE ACTION ON OTHER ASPECTS OF GROUND HANDLING PROBLEM. MOREOVER, THEY HAVE BEEN RELYING ON COOPERATION OF GOT CIVIL AVIATION AUTHORITIES TO HELP THEM IN WORKING OUT SOLUTION TO COURT CASE. IF PAN AM WISHES TO CHALLENGE OTHER ASPECTS OF GROUND HANDLING ARRANGEMENTS WHICH IT HAS MENTIONED (I.E.; (A) TAX OR FEE PAYABLE TO AIRPORT ADMINISTRATION FOR EACH GROUND HANDLING SERVICE AND (B) REQUIREMENT THAT PAN AM OBTAIN PERMIT FROM AIRPORT ADMINISTRATION FOR ITS SELF-HANDLING SERVICES) IT WOULD BE DIRECTLY CHALLENGING AUTHORITY OF THOSE AUTHORITIES. THE LATTER WOULD UNDOUBTEDLY BE LESS SYMPATHETIC TO PAN AM IN WORKING OUT FAVORABLE RESOLUTION OF ITS COURT CASE. END FYI.
MACOMBER

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